

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: GROUP ART UNIT:  
Michael G. Willits 1638  
APPLICATION NO: CONFIRMATION NO:  
10/517,903 4683  
FILED: December 10, 2004 EXAMINER: Keith O. Robinson  
FOR: FLAVONOL EXPRESSING DOMESTICATED TOMATO AND METHOD OF  
PRODUCTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Sir:

In response to the Examiner Interview held on August 27, 2010 and the Interview Summary mailed September 9, 2010, the following Statement of the Substance of the Interview is provided.

Examiners Keith Robinson and Anne Marie Grunberg discussed with Applicants' undersigned attorney the patentability of claim 37 amended to include the limitations of claim 40, i.e., the particular accession numbers. The Muir reference was briefly discussed, but the focus of the prior art discussion was on the Peralta reference. Applicants clarified that the abbreviations in the 1<sup>st</sup> column of Table 1 on page 1890 were not in fact in reference to genes but were taxon abbreviations as noted in the table header. Further discussion included the public availability of the accessions (which Applicants affirmed in their After Final Response filed August 30, 2010) and the characterization of the genes of the flavonol biosynthetic pathway.

No exhibits or demonstrations were conducted.

Respectfully submitted,



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